

## **DISTRICT ADVISORY BOARD (DAB) I**

### **MEETING MINUTES**

**Monday, September 26, 2005**

**7:00 p.m.**

**Atwater Community Center, 2755 E. 19<sup>th</sup>, Wichita, Kansas 67214**

#### **Members Present**

Council Member Carl Brewer  
Gerald Domitrovic  
Hayley Domitrovic\*  
Treatha Brown-Foster  
Lori Lawrence  
Debra K. Miller Stevens  
Debby Moore  
Sharon Myers  
Steve Roberts  
Inga Taylor\*  
LaVonta Williams

#### **Members Absent**

Michael Ross\*  
Shontina Pickens-Tipton\*  
James Thompson  
Lois Tully-Gerber

#### **Guests**

Beverly Domitrovic, Schweiter NA

#### **\*Alternates**

#### **City of Wichita Staff Present**

Virdena Gilkey, Neighborhood Assistant  
Jay Hinkel, Law Dept.  
John Schlegel, MAPD

### **Order of Business**

#### **Call to Order**

**Council Member Brewer** called the meeting to order at 7:05 p.m. and welcomed the guests.

#### **Approval of Minutes**

**Lawrence** stated that she was not present at the last DAB 1 meeting, but the minutes showed her as present. **Roberts (Myers)** made a motion to approve the minutes as amended. Motion carried 8-0.

#### **Approval of Agenda**

**Brewer (Brown Foster)** made a motion to approve the agenda as submitted. Motion carried 8-0.

### **Public Agenda**

#### **1. Scheduled items**

No items submitted.

#### **2. Off-agenda items**

No items submitted.

### **Staff Reports**

#### **3. Proposed Wichita-Sedgwick County Unified Zoning Code Amendments Relating to Sexually Oriented Businesses**

**John Schlegel, MAPD**, presented information on the adult entertainment establishments (or sexually oriented businesses) that are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code. He stated that it is their intentions to start to regulate and make changes in the licensing requirements for SOB's. Mr. Schlegel

presented again the outline for the proposed changes and showed maps to the board of the areas in the city that currently house adult entertainment establishments.

The board had the following questions and concerns: *(responses by Jay Hinkel is in italics. John Schlegel's responses are noted by adding his name).* **a) As a result of the new definition standards, would there be any new businesses created?** *There would be the creation of an adult cabaret (example Babes and Boobs or Sexual Encounter Business, such as, wrestling or physical contact diversion). There is the potential for personal services; adult motel or hotel that would have certain videos available in each room. The sign would be visible from the street and rooms could be rented for shorter than 12 hours. Also adult theaters could be established;* **b) what is the difference between an adult hotel and a house of prostitution?** *It is a very fine distinction, but if used for prostitution that is illegal and subject to prosecution. We have the same problem with escort agencies;* **c) if we zone places where they are allowed to show raunchy movies, does it mean the others won't be allowed?** *The difference is the signage that is required to be posted. Hotels/motels that have that signage would be clear about what is viewed there;* **d) are you proposing to include signage to advertise the business?** *Yes. We can control what is placed on the signs under the Sign codes, etc. However, we cannot by law eliminate the business;* **e) one of the recommendations is to prohibit this type of business in Old Town, which is an overlay business. Why not in other areas?** *John Schlegel responded that we cannot prohibit these establishments completely, but we can limit where they are placed. Jay Hinkel added that the Old Town area was not an overlay that was created, but currently existed;* **f) in the 21<sup>st</sup> Street Industrial Area, can we build houses in that area and change it from an industrial district?** *John Schlegel responded that if we did not allow the zoning district, there is not enough land to designate the area for housing. The down side is that there is not enough land in Wichita to designate 5%. Jay Hinkel added that placing housing in that area would be more problematic;* **g) how often will these places be regulated?** *They will regulate each other in order to remain competitive. This is really a police department question. The City Council realized with Babes and Boobs that there are no restrictions. That is why we are submitting the recommendations for change;* **h) is there any input from businesses themselves on proposed changes?** *Mr. Schlegel responded that he strongly suspect that the businesses would prefer not to revise the code as they benefit more from the current standards. Also, that the council is looking for separation requirements and there is nothing in the current regulations that restrict separation. Mr. Hinkle added that the moratorium currently eliminates competition, which benefits businesses. Right now, there is no separation requirements and adult bookstores are located next to churches;* **i) was the Chief of Police consulted in this matter?** *Yes, he was on the task force;* **j) what is the area of the downtown overlay?** *Central east to Washington; Douglas to the canal;* **k) do the affected businesses have a year to conform or move? What is the normal standard?** *No. We would be applying that standard. Jay Hinkel added that we specifically allowed the exception as directed by the Supreme Court;* **l) who gets licensed?** *This is located under Chapter 3.05. SOB licenses is not administered to felons, etc.; and m) it appears that the majority of these businesses would be in the north end of District 1. How many businesses can logically go in there now?* *Actually, these businesses are more spread out throughout the city if you look on the map. There are probably quite a few that can go in there if businesses are willing to sale;* **n) what are the other boards feeling concerning this issue?** *DAB 6 is divided in two camps. Half want us to regulate as soon as possible and the other side are asking why we are messing with these businesses?*

There were several other items discussed that coincided with the above questions.

**Myers** asked that malls be included in the requirements as she thinks these types of establishments should not be near malls. **Brown Foster** asked that the city review the codes by Johnson County. **Brewer** commented that no one has the expectation that each of you will agree 100%. The basis of this meeting is to get your comments and recommendations.

**Roberts (Moore)** made a motion to receive and file. A discussion ensued as to the expectations of the board. **Brewer** explained that the board is not being asked to vote on this issue, only to provide input and feedback.

Substitute motion: **Myers (Brown Foster)** made a motion to include all malls within 500 feet of SOB's. **Roberts** stated that he objected to this motion because there is no clear definition of "malls". He said that he objected to include an undefined term and he sees nothing in the maps or discussions that show the affect of the 5%. *Jay Hinkel responded that Towne East and Towne West are considered malls. When you say "any mall", there are countless places that are considered to be malls. It could be requested that staff evaluate areas restricted by the definition of mall.* **Brewer** commented that malls are considered multi-retail establishments. *John Schlegel stated that Towne East would eliminate most SOB establishments due to being located across from a residential area. This is similar at Towne West. I don't know if you would gain that much by adding that in.* **Myers** responded that some discussion is needed on this issue and we need to be careful where you put these things. Malls are a place where families go.

Second substitute motion: **Myers** made a motion that any adult entertainment establishment would be placed no closer than 500 feet from any mall. The motion died to the lack of a second.

**Brewer** stated that this meeting was designed to only discuss the SOB item and asked for a motion to adjourn.

With no further business, **Roberts (Brown Foster)** made a motion to adjourn. Motion carried 8-0. The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Virdena Gilkey  
Neighborhood Assistant